



## RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA (SMA) USE PERMIT TO ALLOW THE DEVELOPMENT OF EIGHT DWELLING UNITS ON THE SITE.

WHEREAS, on April 10, 2019, the Department of Planning and Permitting ("DPP") accepted the application (DPP File No. 2019/SMA-9) from CJ Group, LLC ("Applicant") for an SMA Use Permit to allow the subdivision of one zoning lot into 21 zoning lots and the development of one single-family dwelling on each of the subsequent zoning lots within the R-5 Residential District and located at 85-029 Lualualei Homestead Road, identified as Tax Map Key 8-6-015: 053. It was determined that the Project site is not suitable for the proposed increase in density. The Project, as proposed, will be susceptible to coastal hazards because it is located in close proximity to the ocean, within flood hazard areas, within the tsunami inundation zone and it would adversely impact SMA or coastal resources. Therefore, the DPP recommends that the Project be modified to reduce the number of dwelling units to a maximum of eight and all new dwellings be constructed outside of the VE Flood Zone.

WHEREAS, on May 24, 2019, the DPP held a public hearing which was attended by four representatives of the Applicant, including the Agent, three DPP staff members, and fifteen members of the public were present. Nine members of the public provided oral/written testimony at the hearing; and

WHEREAS, on July \_\_, 2019, within \_\_ working days (a 10-day extension was granted by the Applicant) after the close of the Public Hearing, the DPP, having duly considered all evidence and the objectives, policies, and guidelines, as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), and Sections 205A-2 and 205A-26, Hawaii Revised Statutes ("HRS"), completed its report and transmitted its findings and recommendation to the City Council; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on \_\_\_\_\_, by Departmental Communication No. \_\_\_\_\_, and having duly considered all of the findings and reports on the matter, desires to approve the subject application for an SMA Use Permit with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that a SMA Use Permit be issued to the Applicant for the Project, subject to the following conditions:



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- A. The Project must be modified to reduce the number of dwelling units to a maximum of eight whether the site is subdivided or not and no dwellings can be constructed within the VE Flood Zone.
- B. Any other changes in the size or nature of the approved Project that may have a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu, or Chapter 205A, Hawaii Revised Statutes (HRS) will require a new application and permit. Any changes which do not have a significant effect on coastal resources shall be considered minor modifications and therefore permitted under this resolution, upon review and approval by the Director of the Department of Planning and Permitting (DPP).
- C. Building Permit Application plans must show the new dwellings designed so that the lowest occupiable floor is at least three feet above the base flood elevation, applicable at that time.
- D. Any undeveloped portion of the site must be landscaped. All landscaping shall be maintained in a healthy condition.
- E. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, pavings, or walls) are encountered, the Applicant shall stop work and contact the Department of Land and Natural Resources, State Historic Preservation Division (SHPD) immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- F. All site work and/or construction activities shall be limited to daytime hours only.
- G. Building Permit plans shall show that all outdoor lights, such as artificial light from exterior light fixtures, including, but not necessarily limited to floodlights, uplights, or spotlights used for decorative or aesthetic purposes is prohibited if the light directly illuminates or is directed to project across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS Section 205A-71(b).
- H. To minimize impacts to the Hawaiian hoary bat's habitat, woody plants greater than 15 feet in height cannot be disturbed, removed, or trimmed during the bat birthing and pup rearing season (June 1 through September 15).



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- I. **The Applicant shall obtain a development permit for the Project within two years after the effective date of this SMA Use Permit.** Failure to obtain a development permit within this period will render this permit null and void, provided that this period may be extended as follows: The DPP Director may extend this period if the Applicant demonstrates good cause, but the period cannot be extended beyond one year from the initial deadline set by the City Council.

If the Applicant demonstrates good cause for an extension exceeding one year, the Director shall prepare and submit to the Council a report on the proposed extension, which report must include the Director's findings and recommendations thereon. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution. If the Council fails to take final action on the proposed extension within the first to occur of: (1) 60 days after receipt of the Director's report; or (2) the Applicant's then-existing deadline for obtaining a building permit, the extension will be deemed to be denied.

- J. Approval of this SMA Use Permit does not constitute compliance with other Land Use Ordinance (LUO) or other governmental requirements, including grading and grubbing permits. They are subject to separate review and approval. The Applicant will be responsible for insuring that the final plans for the Project approved under this permit comply with all applicable LUO and other governmental provisions and requirements.



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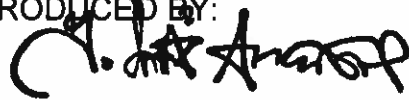
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BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that copies of this Resolution be transmitted to Allen Ng, Allen Ng & Associates, 1720 Ala Moana Boulevard, Suite A-6, Honolulu, Hawaii 96815; Zoe Miner Zhang, CJ Group, LLC, 419-A Atkinson Drive, Unit 1101, Honolulu, Hawaii 96814; Kathy K. Sokugawa, Acting Director of the Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; and Leo R. Asuncion, Jr., Director of the Office of Planning, Attention: Coastal Zone Management Branch, P.O. Box 2359, Honolulu, Hawaii 96804.

INTRODUCED BY:



(br)

DATE OF INTRODUCTION:

**JUL 15 2019**

Honolulu, Hawaii

Councilmembers